

*England
Great Britain
Commissioners
etc.*

Letters and other Papers relating to the Proceedings of his Majesty's Commissioners.

*By the Earl of CARLISLE, Sir HENRY CLINTON,
WILLIAM EDEN, Esquire, and GEORGE JOHN-
STONE, Esquire; Commissioners appointed by his
Majesty, in Pursuance of an Act of Parliament, to treat,
consult, and agree upon the Means of quieting the Dis-
orders now subsisting in certain of the Colonies, Planta-
tions, and Provinces of North-America.*

PROCLAMATION.

WHEREAS the King in Parliament being desirous to restore the blessings of reconciliation and peace to Great-Britain and her colonies, did in the course of last session repeal certain acts, which were found to have excited jealousies, and given apprehensions of danger to liberty in the said colonies. And being further desirous, in the most speedy and effectual manner, to remove every obstruction to the re-establishment of peace, did appoint us his Commissioners to act on this Continent, and by our presence in America to prevent the delays that must have attended the passage and return of messages to and from Europe, on every subject of discussion that might arise. Be it known to all whom it may concern, that we being met at Philadelphia, on the 10th of June, did from thence dispatch the following letter, with the inclosures here-to annexed, to Henry Laurens, Esq; President of the Congress, and have received the answer subjoined.

A C O P Y

C O P Y of a Letter to the President of the Congress.

GENTLEMEN,

WITH an earnest desire to stop the farther effusion of blood and the calamities of war, we communicate to you with the least possible delay, after our arrival in this city, a copy of the Commission with which his Majesty is pleased to honour us, as also the Acts of Parliament on which it is founded; and at the same time that we assure you of our most earnest desire to re-establish on the basis of equal freedom and mutual safety, the tranquility of this once happy empire, you will observe that we are vested with powers equal to the purpose, and such as are even unprecedented in the annals of our history.

In the present state of our affairs, though fraught with subjects of mutual regret, all parties may draw some degree of consolation and even auspicious hope from the recollection that cordial reconciliation and affection have, in our own and other empires, succeeded to contentions and temporary divisions not less violent than those we now experience.

We wish not to recal subjects which are now no longer in controversy, and will reserve to a proper time of discussion both the hopes of mutual benefit, and the consideration of evils that may naturally contribute to determine your resolutions as well as our own, on this important occasion.

The Acts of Parliament which we transmit to you, having passed with singular unanimity, will sufficiently evince the disposition of Great-Britain, and shew that the terms of agreement in contemplation with his Majesty and with Parliament, are such as come up to every wish that North-America, either in the hour of temperate deliberation, or of the utmost apprehension of danger to liberty, has ever expressed.

More effectually to demonstrate our good intentions, we think proper to declare, even in this our first communication,

munication, that we are disposed to concur in every satisfactory and just arrangement towards the following, among other purposes :

To consent to a cessation of hostilities both by sea and land.

To restore free intercourse, to revive mutual affection, and renew the common benefits of naturalization through the several parts of this empire.

To extend every freedom of trade that our respective interests can require.

To agree that no military forces shall be kept up in the different states of North-America without the consent of the General Congress or particular Assemblies.

To concur in measures calculated to discharge the debts of America, and to raise the credit and value of the paper circulation.

To perpetuate our union by a reciprocal deputation of an agent or agents from the different states, who shall have the privilege of a seat and voice in the Parliament of Great-Britain, or if sent from Britain, in that case, to have a seat and voice in the Assemblies of the different states to which they may be sent in order to attend to the several interests of those by whom they are deputed.

In short, to establish the power of the respective legislatures in each particular state, to settle its revenues, its civil and military establishments, and to exercise a perfect freedom of legislation and internal government, so that the British states throughout North-America, acting with us in peace and war, under one common Sovereign, may have the irrevocable enjoyment of every privilege that is short of a total separation of interests, or consistent with that union of force on which the safety of our common religion and liberty depends.

In our anxiety for preserving those sacred and essential interests, we cannot help taking notice of the insidious interposition of a power, which has, from the first settlement of these Colonies, been actuated with enmity to us both. And, notwithstanding the pretended

ed date or present form of the French offers to North America, yet it is notorious that these were made in consequence of the plans of accommodation previously concerted in Great Britain, and with a view to prevent our reconciliation, and to prolong this destructive war. But we trust that the inhabitants of North America, connected with us by the nearest ties of consanguinity, speaking the same language, interested in the preservation of similar institutions, remembering the former happy intercourse of good offices, and forgetting recent animosities, will shrink from the thought of becoming an accession of force to our late mutual enemies, and will prefer a firm, free, and perpetual coalition with the Parent State, to an insincere and unnatural foreign alliance.

This dispatch will be delivered to you by Dr. Ferguson, the Secretary to his Majesty's Commission, and for fuller explanation and discussion of every subject of difference, we desire to meet with you, either collectively or by deputation, at New-York, Philadelphia, York-Town, or such other place as you may propose; we think it right, however, to apprise you, that his Majesty's instructions, as well as our own desire, to remove from the immediate seat of war, in the active operations of which we cannot take any part, may induce us speedily to remove to New-York. But the Commander in Chief of his Majesty's land forces (who is joined with us in the commission) will, if it should become necessary, either concur with us in a suspension of hostilities, or will furnish all necessary passports and safe conduct to facilitate our meeting, and we shall of course expect the same of you.

If after the time that may be necessary to consider this communication, and transmit your answer, the horrors and devastations of war should continue, we call God and the world to witness, that the evils which must follow are not to be imputed to Great Britain; and we cannot, without the most real sorrow, anticipate the

prospect

prospect of calamities which we feel the most ardent desire to prevent.

We are, with perfect respect,

Gentlemen,

Your most obedient,

and most humble Servants,

(Signed)

CARLISLE.

WILLIAM EDEN.

GEORGE JOHNSTONE.

To his Excellency Henry

Laurens, and others, the

Members of Congress.

June 10, 1778, Philadelphia.

Examined. A true Copy.

ADAM FERGUSON, Secretary.

*Copy of an Answer from the President of the Congress to
the above Letter.*

*To their Excellencies the Right Honourable the Earl of
Carlisle, William Eden, Esquire, George Johnstone,
Esquire, Commissioners from his Britannic Majesty.*

I Have received the letter from your Excellencies of
the 9th inst. with the inclosures, and laid them
before Congress.

Nothing but an earnest desire to spare the farther effusion of human blood could have induced them to read a paper containing expressions so disrespectful to his Most Christian Majesty, the good and great ally of these states, or to consider propositions so derogatory to the honour of an independent nation.

The acts of the British Parliament, the Commission from your Sovereign, and your letter, suppose the people of these states to be subjects of the Crown of Great-Britain, and are founded on the idea of dependence, which is utterly inadmissible.

I am further directed to inform your Excellencies, that Congress are inclined to peace, notwithstanding the unjust claims from which this war originated, and
the

the savage manner in which it has been conducted; they will therefore be ready to enter upon the consideration of a treaty of peace and commerce, not inconsistent with treaties already subsisting, when the King of Great-Britain shall demonstrate a sincere disposition for that purpose.

The only solid proof of this disposition will be an explicit acknowledgment of the independence of these states, or the withdrawing his fleets and armies.

I have the honour to be,

Your Excellencies most obedient,

And humble Servant,

Signed by order of the unanimous voice of Congress,
HENRY LAURENS, President.

York-Town, 17th June, 1778.

Copy. Examined.

ADAM FERGUSON, Secretary.

We now call upon all persons in the British colonies, or states of North America, to judge with candour of the gracious intentions, entertained by his Majesty, and by Parliament, towards them, and to be aiding to us in bringing the unhappy divisions now subsisting in this continent to a speedy termination, and in procuring the lasting peace and security of all the different members of this once happy and prosperous empire.

In these public communications of our proceedings, to which the people of North-America are so fully entitled, we shall not pretend to employ argument farther than may be necessary to explain our own conduct, without any view to bias the judgment of those who are not less interested than we are on our part, to decide for themselves in these important matters.

As the great object that must determine our own deliberations is the prosperity of Great-Britain, in consistence with the general welfare of the empire, we naturally expect to find among the inhabitants of North-America, a like attachment and solicitude for the

the interest of their general confederacy, and of the several colonies or states to which they belong.

In this spirit they will judge of the propositions contained in the preceding letter:

Those propositions we have made in the hope that they may become more beneficial to our country, in the present situation of affairs, than the original plans of settlement conceived to restrain the trade, and controul the internal government of the colonies, and more safe for all parties, than any arrangements calculated to form a revenue in America, at the disposal of Parliament; we at least flatter ourselves, that they may be found sufficient to establish that union of force, on which the strength and safety of nations depend, without endangering the liberty of the subject in any part of the empire. The Congress, the Assemblies, and the People of America will judge for themselves, whether that union of force, which we on our part deem of so much advantage to Great-Britain, may not be of equal advantage to them. And whether the internal peace of their own system, will not be more secure under the Title and Majesty of the King of Great Britain, whose prerogatives are exercised within strict limitations, and whose authority will ensure the regular execution of every law that may be provided by the representatives of the people, for their peace and security, than it ever could be, if left to be agitated by the storms of faction, and the jarring interests of so many parties, as are likely to divide this Continent, after they have laid aside the respect that is due to the ancient constitution, under which they have so long prospered.

They will judge whether such an union with Great-Britain will not be preferable to the alliance of the French Monarchy, which ever has been, and in its constitution ever must be, an enemy to all freedom of laws and religion. In these expressions we wish to preserve the respect that is due to the persons of Princes, without being the dupes of their policy,

and

and we must, without disputing either the greatness or the goodness of his Most Christian Majesty, still insist that the policy of France, on the present occasion, has been insidious, and not more hostile to Great-Britain, than in its tendency pernicious to the people of America, however it may be flattering to the ambition of some, and favourable to the private interest of others.

But above all, we call upon those who have suffered, or who may suffer by the continuance of the calamities of war, seriously to consider the original cause of the present hostilities, with the propositions we have made to remove them, and to obviate all further disputes. We call upon them to consider the reasons, which, notwithstanding the repeated and solemn declarations of the people of America, that they never wished to separate themselves from Great-Britain, are now assigned by the Congress, for rejecting any discussion on these subjects, unless Great-Britain shall consent to preliminary articles, that must prevent any subsequent union of interest between us. And we trust, that having so considered these matters, they will acquit Great-Britain of the guilt to be imputed to the authors of any distress to which they may still be exposed.

Hoping, that a fair judgment will be passed on our proceedings, we shall pursue such measures as we apprehend most likely to acquit us of the duty which we owe to our Sovereign, our fellow-subjects in Great-Britain, and the colonies, and to evince the sincerity of the intentions with which we endeavour to obtain those blessings of peace, which are the objects of our Commission, devoutly praying for the assistance of Almighty God, and the concurrence of all good men.

By their Excellencies command.

ADAM FERGUSON, Secretary.

The following are Copies of Inclosures, referred to in the above Letter to Henry Laurens, Esquire, &c.

An Act for removing all doubts and apprehensions, concerning taxation by the Parliament of Great-Britain, in any of the Colonies, Provinces and Plantations in North-America, and the West-Indies; and for repealing so much of an Act, made in the seventh year of the reign of his present Majesty, as imposes a duty on Tea imported from Great-Britain, into any Colony or Plantation in America, or relates thereto.

WHEREAS taxation by the Parliament of Great-Britain, for the purpose of raising a revenue in his Majesty's Colonies, Provinces, and Plantations in North-America, has been found by experience to occasion great uneasinesses and disorders among his Majesty's faithful subjects, who may nevertheless be disposed to acknowledge the justice of contributing to the common defence of the empire; provided such contribution should be raised under the authority of the General Court, or General Assembly of each respective Colony, Province or Plantation: And whereas in order as well to remove the said uneasinesses, and to quiet the minds of his Majesty's subjects, who may be disposed to return to their allegiance, as to restore the peace and welfare of all his Majesty's dominions, it is expedient to declare, That the King and Parliament of Great-Britain will not impose any duty, tax or assessment, for the purpose of raising a revenue in any of the Colonies, Provinces, or Plantations: May it please your Majesty, that it may be declared and enacted; and it is hereby declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this act, the King and Parliamsnt of Great Britain will not impose any duty, tax, or assessment

whatever, payable in any of his Majesty's Colonies, Provinces and Plantations in North-America, or of the West-Indies; except only such duties as it may be expedient to impose for the regulation of commerce; the net produce of such duties to be always paid and applied to and for the use of the Colony, Province or Plantation, in which the same shall be respectively levied, in such manner as other duties collected by the authority of the respective General Courts or General Assemblies of such Colonies, Provinces or Plantations, are ordinarily paid and applied.

And be it further enacted by the authority aforesaid, That from and after the passing of this act, so much of an act made in the seventh year of his present Majesty's reign, intituled, "An Act for granting certain duties in the British Colonies and Plantations in America; for allowing a drawback of the duties of customs upon the exportation from this kingdom of coffee and cocoa nuts, of the produce of the said Colonies or Plantations, for discontinuing the drawbacks payable on china earthen ware exported to America; and for more effectually preventing the clandestine running of goods in the said Colonies and Plantations;" as imposes a duty on tea imported from Great-Britain into any Colony or Plantation in America, or has relation to the said Duty, be, and the same is hereby repealed.

An Act for repealing an Act, passed in the fourteenth year of his present Majesty's reign, intituled, " An Act for the better regulating the Government of the Province of the Massachusetts-Bay, in New-England.

WHÈRÈAS the Province of the Massachusetts-Bay, had for many years been governed under a charter, granted by their late Majesties King William and Queen Mary: And whereas an act, passed in the fourteenth year of his present Majesty's reign, intituled, " An Act for the better regulating the government of the province of Massachusetts-Bay, in New-England," has been found to create great uneasinesses in the minds of the inhabitants of the said province, and has occasioned jealousies and apprehensions of danger to their liberties and rights in several other of the Colonies and Plantations in North-America; for quieting and extinguishing such uneasinesses and apprehensions, be it enacted by the King's most excellent Majesty, by and with the consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, the said act of the fourteenth year of the reign of his present Majesty, be, and the same is hereby repealed.

An Act to enable his Majesty to appoint Commissioners with sufficient powers to treat, consult, and agree upon the means of quieting the disorders now subsisting in certain of the Colonies, Plantations, and Provinces of North-America.

FOR the quieting and extinguishing of divers jealousies and apprehensions of danger to their liberties

ties and rights, which have alarmed many of his Majesty's subjects in the Colonies, Provinces, and Plantations of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the Three Lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia; and for a full manifestation of the just and gracious purposes of his Majesty, and his Parliament, to maintain and secure all his subjects in the clear and perfect enjoyment of their liberties and rights; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for his Majesty, from time to time, by letters patent, under the Great Seal of Great-Britain, to authorise and empower five able and sufficient persons, or any three of them, to treat, consult and agree with any body or bodies politic and corporate, or with any assembly or assemblies of men, or with any person or persons whatsoever, of and concerning any grievances, or complaints of grievances, existing, or supposed to exist, in the government of any of the said Colonies, Provinces, or Plantations respectively, or in the laws and statutes of this realm respecting the same; and of or concerning any aid or contribution to be furnished by any of the said Colonies, Provinces, or Plantations respectively, for the common defence of this realm, and the dominions thereunto belonging; and of and concerning any other regulations, provisions, matters and things, necessary or convenient for the honour of his Majesty, and his Parliament, and for the common good of all his subjects.

Provided also, and be it further enacted and declared, That no regulation, provision, matter, or thing, so proposed, treated, consulted, or agreed, shall have any other force or effect, or be carried further into execution, than is herein after-mentioned and provided, until the same shall have been confirmed by Parliament.

Provided

Provided also, and be it further enacted by the authority aforesaid, That in order to facilitate the good purposes of this Act, his Majesty may lawfully enable the said Commissioners, or any three of them, from time to time, to order and proclaim a cessation of hostilities on the part of his Majesty's forces, by sea or land, for any time, and under any conditions or restrictions; and such order and proclamation to revoke and annul in the same manner and form.

And be it further enacted, That it shall and may be lawful for his Majesty, by such letters patent as aforesaid, to authorise and empower the said Commissioners, or any three of them, by proclamation under their respective hands and seals, from time to time, to suspend the operation and effect of a certain Act of Parliament, made and passed in the sixteenth year of the reign of his present Majesty, for prohibiting all trade and intercourse with certain Colonies and Plantations therein named, and for the other purposes therein also mentioned, or any of the provisions or restrictions therein contained; specifying in such proclamation at what times and places respectively, and with what exceptions and restrictions, and under what passes and clearances, in lieu of those heretofore directed by an Act or Acts of Parliament, for regulating the trade of the Colonies or Plantations, the said suspension shall take effect; and the said suspension and proclamation, in the same manner and form, to annul and revoke.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, by such letters patent as aforesaid, to authorise and empower the said Commissioners, or any three of them, to suspend, in any places, and for any times, during the continuance of this Act, the operation and effect of any Act or Acts of Parliament, which have passed since the tenth day of February, one thousand seven hundred and sixty-three, and which relate to any of his Majesty's said Colonies, Provinces or Plantations in North-America, so far as the same does relate to them;

or the operation and effect of any clause, or any provision or matter therein contained, so far as such clauses, provisions, or matters relate to any of the said Colonies, Provinces, or Plantations.

And it is hereby enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, by such letters patent as aforesaid, to authorise and empower the said Commissioners, or any three of them, and they are hereby authorised and empowered, to grant a pardon or pardons to any number or description of persons within the said Colonies, Provinces, or Plantations.

And that no let or hindrance may happen from the vacancy of the office of Governor or Commander in Chief, in any of the said Colonies, Provinces, or Plantations respectively, or from the absence of such officer from his government, be it further enacted by the authority aforesaid: that it shall and may be lawful for his Majesty, by such letters patent as aforesaid, to authorise and empower the said Commissioners, or any three of them, in any of the said Colonies, Provinces or Plantations respectively, wherein his Majesty hath usually heretofore nominated and appointed a Governor, to nominate and appoint, from time to time, by any instruments under their hands and seals, a proper person to be Governor and Commander in Chief, in and for any such Colony, Province, or Plantation; to have, hold, and exercise the said office of Governor and Commander in Chief, in and for such Colony or Plantation respectively, with all such powers and authorities as any Governor of such Province heretofore appointed by his Majesty might or could have exercised, in as full and ample manner and form, as if such Governor and Commander in Chief had been nominated and appointed by his Majesty's letters patent or commission; and for that purpose, if need be, to revoke, annul, and make void, any commission or letters patent heretofore granted for appointing any such Governor or Commander in Chief.

And

And be it further enacted, That this Act shall continue to be in force until the first day of June, one thousand seven hundred and seventy-nine.



GEORGE the THIRD, by the Grace of GOD, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c.

To our right Trusty and right well-beloved Cousin and Counsellor, Frederick, Earl of Carlisle, Knight of the most ancient Order of the Thistle; our right trusty and well-beloved Counsellor, Richard, Lord Viscount Howe, of our Kingdom of Ireland; our trusty and well-beloved Sir William Howe, Knight of the most honourable Order of the Bath, Lieutenant-General of our Forces, General and Commander in Chief of all and singular our forces employed or to be employed within our Colonies in North-America, lying upon the Atlantic Ocean; from Nova-Scotia on the North, to West-Florida on the South, both inclusive; William Eden, Esq; one of our Commissioners for Trade and Plantations, and George Johnstone, Esquire, Captain in our Royal Navy;

GREETING :

WHEREAS it and by our Commission and Letters Patent under our Great Seal of Great-Britain, bearing date on or about the sixth day of May, in the sixteenth year of our reign, We did, out of our earnest desire, to deliver all our subjects and every part of the dominions belonging to our crown, from the

the calamities of war, and to restore them to our protection and peace, nominate and appoint our right trusty and well-beloved Cousin and Counsellor, Richard Lord Viscount Howe, of our Kingdom of Ireland, and our trusty and well-beloved William Howe, Esq; now Sir William Howe, Knight of the Bath, Major General of our forces, and General of our forces in North-America only, and each of them jointly and severally, to be our Commissioner and Commissioners, in that behalf, to perform and execute all the powers and authorities, in and by the said commission and letters patent entrusted and committed to them, and each of them, according to the tenor of such letters patent, and of such further instructions, as they should from time to time receive, under our signet our sign manual, to have, hold, execute, and enjoy, the said office and place, offices and places, of our Commissioner and Commissioners, as therein mentioned, with all rights, members and appurtenances thereunto belonging; together with all and singular the powers and authorities thereby granting unto them, the said Lord Viscount Howe, and General William Howe, and each of them, for and during our will and pleasure, and no longer, in such manner and form, as in and by our said recited commission and letters patent, relation being thereunto had, may, among divers other things therein contained, more fully and at large appear. And whereas, for the quieting and extinguishing of divers jealousies and apprehensions of danger to their liberties and rights, which have alarmed many of our subjects in the Colonies, Provinces and Plantations of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, with the three lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia; and, for the fuller manifestation of our just and gracious purposes, and those of our Parliament, to maintain and secure all our subjects in the clear and perfect enjoyment of their liberties and rights: It is in and by a certain act,

made

made and passed in this present session of Parliament, intituled, "An Act to enable his Majesty to appoint Commissioners, with sufficient powers to treat, consult, and agree upon the means of quieting the disorders now subsisting in certain of the Colonies, Plantations and Provinces of North-America," among other things enacted, That it shall and may be lawful for his Majesty, from time to time, by letters patent, under the Great Seal of Great-Britain, to authorise and empower five able and sufficient persons; or any three of them, to do, and perform, such acts and things, and to use and exercise such authorities and powers, as in the laid act are for that purpose mentioned, provided and created. And whereas, we are earnestly desirous to carry into full and perfect execution the several just and gracious purposes above-mentioned:

Now know ye, that we have revoked and determined, and by these presents do revoke and determine our said recited commission and letters patent, and all and every power, authority, clause, article, and thing therein contained. And further know ye, That we reposing especial trust and confidence in your wisdom, loyalty diligence, and circumspection in the management of the affairs to be hereby committed to your charge, have nominated and appointed; constituted and assigned, and by these presents do nominate, appoint, constitute and assign you the said Frederick, Earl of Carlisle, Richard Viscount Howe, Sir William Howe, William Eden, and George Johnstone, or any three of you, to be our Commissioners in that behalf, to use and exercise all, and every the powers and authorities, hereby intrusted and committed to you the said Frederick Earl of Carlisle, Richard Viscount Howe, Sir William Howe, William Eden, George Johnstone, or any three of you, and to so perform and execute all other matters and things hereby enjoyned, and committed to your care, during our will and pleasure, and no longer, according to the tenor of these our letters patent, and of such fur-

ther instructions, as you shall from time to time receive under our signet or sign manual.

And it is our Royal Will and Pleasure, and we do hereby authorise, empower, and require you the said Frederick Earl of Carlisle, Richard Viscount Howe, Sir William Howe, William Eden, George Johnstone, or any three of you, to treat, consult and agree with such body or bodies politic and corporate, or with such assembly or assemblies of men, or with such person or persons, as you the said Frederick Earl of Carlisle, Richard Viscount Howe, Sir William Howe, William Eden, George Johnstone, or any three of you, shall think meet and sufficient for that purpose, of, and concerning any grievances or complaints of grievances existing, or supposed to exist in the government of any of the colonies, provinces or plantations abovementioned respectively, or in the laws and statutes of this realm, respecting them or any of them, or of and concerning any aids or contributions to be furnished by any of the said colonies, provinces or plantations respectively, for the common defence of this realm, and the dominions thereunto belonging, and of and concerning any other regulations, provisions, matters and things, necessary or convenient for the honour of us, and our parliament, and for the common good of all our subjects. And it is our further will and pleasure, that every regulation, provision, matter or thing, which shall have been agreed upon between you the said Frederick Earl of Carlisle, Richard Viscount Howe, Sir William Howe, William Eden, George Johnstone, or any three of you, and such persons, or bodies politic as aforesaid, whom you or any three of you shall have judged meet and sufficient to enter into such agreement, shall be fully and distinctly set forth in writing, and authenticated by the hands and seals of you, or any three of you on one side, and by such seals and other signatures on the other, as the occasion may require, and as may be suitable to the character and authority of the body politic, or other person so agreeing; and such instruments,

ments, so authenticated, shall be by you, or any three of you, transmitted to one of our principal Secretaries of State, in order to be laid before our parliament, for the further and more perfect ratification thereof, and until such ratification, no such regulation, provision, matter or thing shall have any other force or effect, or be carried further into execution, than is hereafter mentioned. And we do hereby further authorise and empower you the said Frederick Earl of Carlisle, Richard Viscount Howe, Sir William Howe, Willian Eden, and George Johnstone, or any three of you, from time to time, as you, or any three of you shall judge convenient, to order and proclaim a cessation of hostilities on the part of our forces by sea or land, for such time, and under such conditions, restrictions, or other qualifications, as in your discretion shall be thought requisite, and such order and proclamation to revoke and annul, in the same manner and form. And it is our further will and pleasure, and we do hereby require and command all our officers and ministers, civil and military, and all other our loving subjects whatsoever, to observe and obey all such proclamations respectively. And we do hereby in further pursuance of the said Act of Parliament, and of the provisions therein contained, authorise and empower you the said Frederick Earl of Carlisle, Richard Viscount Howe, Sir William Howe, William Eden and George Johnstone, or any three of you, by proclamation under your respective hands and seals, from time to time, as you shall see convenient, to suspend the operation and effect of a certain Act of Parliament, made and passed in the sixteenth year of our reign, for prohibiting all trade and intercourse with certain colonies and plantations therein named, and for the other purposes therein also mentioned, or any of the provisions or restrictions therein contained, and therein to specify, at what time and places respectively, and with what exceptions and restrictions, and under what passes and clearances, in lieu of those heretofore directed, by any act or acts of Parliament, for regulat-

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ing the trade of the colonies and plantations, the said suspension shall take effect, and the said suspension and proclamation, in the same manner and form, to annul and revoke.

And we do hereby further authorise and impower you the said Frederick Earl of Carlisle, Richard Viscount Howe, Sir William Howe, William Eden, and George Johnstone, or any three of you, from time to time, as you shall judge convenient, to suspend in any places, and for any time during the continuance of the said first recited act, the operation and effect of any act or acts of parliament, which have passed since the tenth day of February, one thousand seven hundred and sixty-three, and which relate to any of our Colonies, Provinces, or Plantations, abovementioned, in North-America, so far as the same relate to them or any of them, or the operation and effect of any clause or any provision or other matter in such acts contained, so far as such clauses, provisions, or matters relate to any of the said Colonies, Provinces or Plantations: And we do hereby further authorise and impower you the said Frederick Earl of Carlisle, Richard Viscount Howe, Sir William Howe, William Eden, and George Johnstone, or any three of you, to grant a pardon or pardons to any number or description of persons within the said Colonies, Provinces or Plantations: And we do hereby further authorise and impower you the said Frederick Earl of Carlisle, Richard Viscount Howe, Sir William Howe, William Eden, and George Johnstone, or any three of you, in any of our Colonies, Provinces or Plantations, aforesaid, respectively, wherein we have usually heretofore nominated and appointed a Governor, to nominate and appoint, from time to time, by any instrument under your hands and seals, or the hands and seals of any three of you, a proper person to be the Governor and Commander in Chief in and for such Colony, Province or Plantation respectively, to have, hold, and exercise the said office of Governor and Commander in Chief, in and for such Colony, Province

yince or Plantation respectively, with all such powers and authorities as any Governor of such province, heretofore appointed by us, might or could have exercised in as full and ample manner and form, as if such Governor and Commander in Chief had been nominated and appointed by our letters patent or commission, and for that purpose, if need be, to revoke, annul, and make void any commission or letters patent heretofore granted for appointing any such Governor and Commander in Chief: Whereas by certain letters patent under our Great Seal, bearing date on the twenty-ninth day of April, in the sixteenth year of our reign, we have constituted and appointed you the said Sir William Howe, to be General and Commander in Chief of all and singular our forces employed, or to be employed within our Colonies in North-America, lying upon the Atlantic Ocean, from Nova-Scotia on the North, to West-Florida on the South, both inclusive, to have, hold, exercise, and enjoy the said office during our will and pleasure, and in case you the said Sir William Howe, should by death or any other manner be disabled from exercising the said command, it is our will and pleasure therein expressed, that the same, with all authorities, rights and privileges contained in that our said commission, shall devolve on such officer bearing our commission, as should be next in rank to you the said Sir William Howe: and whereas our trusty and well-beloved Sir Henry Clinton, Knight of the most honourable Order of the Bath, Lieutenant-General of our forces, and General of our forces in our army in America only, now actually bears our commission, and is next in rank to you the said Sir William Howe: Know it is our further will and pleasure, and we do hereby ordain and appoint, that whenever the said command in the said letters patent mentioned, shall, in pursuance thereof devolve upon the said Sir Henry Clinton, all and every the powers and authorities hereby entrusted and committed to you the said Sir William Howe, shall forthwith cease and determine, and the said

said powers and authorities, and every of them, shall from thenceforth, be entrusted and committed, and are hereby entrusted and committed to the said Sir Henry Clinton, to use and exercise the same powers and authorities, and to do, perform, and execute all other the matters and things as aforesaid, in as full and ample extent and form, and no other, as you the said Sir William Howe, are hereby authorised to use and exercise, do, perform and execute the same.

And we do hereby require and command all officers, civil and military, and all others, our loving subjects, whatsoever, to be aiding and assisting unto you the said Frederick Earl of Carlisle, Richard Viscount Howe, Sir William Howe, William Eden and George Johnstone, in the execution of this our commission, and of the powers and authorities herein contained: Provided always, and we do hereby declare and ordain, that the several offices, powers and authorities, hereby granted, shall cease, determine and become utterly null and void, on the first day of June, which shall be in the year of our Lord one thousand seven hundred and seventy-nine; although we shall not otherwise in the mean time have revoked and determined the same. In witness whereof we have caused these our letters to be made patent. Witness ourself, at Westminster, this thirteenth day of April, in the eighteenth year of our reign.

By the KING Himself.

Y O R K.

Examined. A true Copy.

ADAM FERGUSON, Secretary,

To his Excellency Henry Laurens, the President, and other
the Members of Congress.

GENTLEMEN,

WE received soon after our arrival at this place, your answer to our letter of the ninth of June, and are sorry to find on your part any difficulties raised which must prolong the calamities of the present war.

You propose to us as matter of choice one or other of two alternatives, which you state as preliminaries necessary even to the beginning of a negociation for peace to this empire.

One is an explicit acknowledgement of the independence of these states. We are not inclined to dispute with you about the meaning of words; but so far as you mean the intire privilege of the people of North America to dispose of their property, and to govern themselves without any reference to Great Britain, beyond what is necessary to preserve that union of force, in which our mutual safety and advantage consist: We think, that so far their independency is fully acknowledged in the terms of our letter of the 9th of June. And we are willing to enter upon a fair discussion with you, of all the circumstances that may be necessary to ensure or even to enlarge that independence.

In the other alternative you propose, that his Majesty should withdraw his fleets and his armies.

Although we have no doubt of his Majesty's disposition to remove every subject of uneasiness from the colonies, yet there are circumstances of precaution against our antient enemies, which joined to the regard that must be paid to the safety of many, who, from affection to Great Britain, have exposed themselves to suffer in this contest, and, to whom Great Britain owes support at every expence of blood and treasure, that will not allow us to begin with this measure. How soon it may follow the first advances to peace on your part, will depend on the favourable prospect you give of a reconciliation with your fellow citizens of this continent, and with those in Britain. In the mean time

we

we assure you that no circumstance will give us more satisfaction, than to find that the extent of our future connexion is to be determined on principles of mere reason and the considerations of mutual interest, on which we are willing likewise to rest the permanency of any arrangements we may form.

In making these declarations we do not wait for the decision of any military events. Having determined our judgement by what we believe to be the interests of our country, we shall abide by the declarations we now make in every possible situation of our affairs.

You refer to treaties already subsisting, but are pleased to withhold from us any particular information in respect to their nature or tendency.

If they are in any degree to affect our deliberations, we think that you cannot refuse a full communication of the particulars in which they consist, both for our consideration and that of your own constituents, who are to judge between us whether any alliance you may have contracted be a sufficient reason for continuing this unnatural war. We likewise think ourselves entitled to a full communication of the powers by which you conceive yourselves authorized to make treaties with foreign nations.

And we are led to ask satisfaction on this point, because we have observed in your proposed articles of consideration, No. 6 and 9, it is stated that you shall have the power of entering into treaties and alliances under certain restrictions therein specified, yet we do not find promulgated any act or resolution of the assemblies of particular states conferring this power upon you.

As we have communicated our powers to you, and mean to proceed without reserve in this business, we will not suppose that any objection can arise on your part to our communicating to the public so much of your correspondence as may be necessary to explain our own proceedings. At the same time we assure you, that in all such publications, the respect which we pay to the great body of people you are supposed to represent

sent, shall be evidenced by us in every possible mark of consideration and regard. We are, with perfect respect,
Gentlemen,

Your most obedient and
most humble Servants,

CARLISLE.

H. CLINTON.

W.M. EDEN.

GEO. JOHNSTONE.

New-York, July 11, 1778.

Instead of an answer to the above letter, his Majesty's Commissioners received a news-paper in which the following publication signed Charles Thompson, Secretary, is inserted.

In CONGRESS, July 18, 1778.

A LETTER signed Carlisle, H. Clinton, Wm. Eden, Geo. Johnstone, dated New-York, July 11, 1778, and directed "To his Excellency Henry Laurens, the President, and other the Members of Congres," was received and read, whereupon Congress came to the following resolution.

Whereas Congres, in a letter to the British Commissioners of the 17th of June last, did declare that they would be ready to enter upon the consideration of a treaty of peace and commerce, not inconsistent with treaties already subsisting, when the King of Great Britain would demonstrate a sincere disposition for that purpose; and that the only solid proof of this disposition would be an explicit acknowledgment of the independence of these states, or withdrawing his fleets and armies; and whereas neither of these alternatives have been complied with, therefore

Resolved, That no answer be given to the letter of the 11th instant from the British Commissioners.

Ordered, That the said letter and the foregoing resolution be published.

Extract from the Minutes.

CHARLES THOMPSON, Secretary.

D

(COPY)

(COPY.)

New-York, August 7, 1778.

By

SIR,

I have the honour to transmit to you by order of their Excellencies his Majesty's Commissioners, the inclosed paper containing a remonstrance addressed to the Congress on the subject of the detention of the troops lately serving under Lieutenant-General Burgoyne, with a requisition for their immediate release. To which I make no doubt that you will pay the attention due to matters of such high concern, and have the honour to be with the greatest respect, Sir, your most obedient and most humble servant,

ADAM FERGUSON.

To his Excellency Henry Laurens, Esq;
President of the Congress.

*By the Earl of CARLISLE, Sir HENRY CLINTON,
WILLIAM EDEN, Esquire, and GEORGE JOHN-
STONE, Esquire, his Majesty's Commissioners, appointed
with sufficient powers to treat, consult, and agree upon
the Means of quieting the Disorders now subsisting in
certain of the Colonies, Plantations, and Provinces of
North-America.*

UPON a representation from the Commander in Chief of his Majesty's forces, that the troops lately serving under Lieutenant-General Burgoyne; notwithstanding the solemn convention entered into at Saratoga, in which it is stipulated, that the said troops shall have a free passage to Great-Britain; are nevertheless under various pretences still detained in New-England; the following remonstrance against the unjust detention of those troops, and requisition for their immediate release, on the condition annexed to the article by which their passage to England is stipulated, are now solemnly made to the American Congress.

Whereas the means that have been devised by mankind to mitigate the horrors of war, and to facilitate the re-establishment of peace, depend on the faith of cartels, military capitulations, conventions and treaties entered into even during the continuance of hostilities. From whence all nations have agreed to observe such conventions, as they revere the sacred obligations of humanity and justice, and as they would avoid the horrid practice of retaliations, which, however justly due to the guilty, in such cases, but too frequently fall on the innocent:

And whereas upon these considerations, all breach of faith, even with an enemy, and all attempts to elude the force of military conventions, or to defeat their salutary purposes by evasion or chicane, are justly held in detestation, and deemed unworthy of any description of persons assuming the character of, or stating themselves as the representatives of nations:

And whereas it was stipulated in the second article of the convention entered into at Saratoga between Lieutenant

tenant-General Burgoyne, and Major-General Gates,
“ That a free passage be granted to the army under Lieutenant-General Burgoyne to Great-Britain, upon condition of not serving again in North-America during the present contest; and the port of Boston is assigned for the entry of transports whenever General Howe shall so order.”

His Majesty’s Commissioners now founding their claim on this article, join with the Commander in Chief of his Majesty’s forces, in a peremptory requisition, That free entrance into the harbour of Boston be given to transports for the immediate embarkation of the said troops, and that they be allowed to depart for Great-Britain in terms of the said convention. And the said Commissioners, in order to remove every supposed difficulty or pretence for delay in the execution of this treaty, arising from any past, real, apparent or supposed infraction of it by word or writing, on the side of either party, hereby offer to renew, on the part of Great-Britain, all the stipulations of the said convention, and particularly to ratify the condition annexed to the second article thereof above recited, by which those troops are not to serve again in North-America, during the present contest.

And this requisition, dated at New-York, on the 7th of August, 1778, is now sent to the American Congress, for their direct and explicit answer,

CARLISLE.

H. CLINTON.

WM. EDFN.

GEORGE JOHNSTONE,

To his Excellency Henry Laurens,
Esq; the President, and others
the members of the Congress,
met at Philadelphia.

While his Majesty's Commissioners expected an answer to the above requisition, they received, on the 18th instant the following papers transmitted by order of the Congress, and have thought proper to send the answers subjoined.

In CONGRESS, August 12th, 1778.

RESOLVED,

That a copy of the declaration passed yesterday be signed by Mr. President, and sent by a flag to the Commissioners of the King of Great-Britain, at New-York.

Extract from the Minutes.

(Certified)

HENRY LAURENS, President.

D E C L A R A T I O N.

WHEREAS George Johnstone, Esq; one of the British Commissioners for restoring peace in America, on the 11th of April last, did write and send a letter to Joseph Reed, Esq; a Member of Congress, containing this paragraph, viz.—“The man who can be instrumental in bringing us all to act once more in harmony, and to unite together the various powers which this contest has drawn forth, will deserve more from the King and the people, from patriotism, humanity, and all the tender ties that are affected by the quarrel and reconciliation, than ever was yet bestowed on human kind.” And whereas the said George Johnstone, Esq; on the 16th day of June last, wrote and sent a letter to Robert Morris, Esq; another member of Congress, containing this paragraph, viz. “I believe the men who have conducted the affairs of America incapable of being influenced by improper motives; but in all such transactions there is a risk, and I think, that whoever ventures should be secured, at the same time that honour and emolument should naturally follow the fortune of those who have steered the vessel in the storm, and brought her safely into port. I think

think Washington and the President have a right to every favour that grateful nations can bestow, if they could once more unite our interests, and spare the miseries and devastations of war." Which letters were laid before Congress. And whereas the said Joseph Reed, Esq; hath in his place in Congress declared, that "on Sunday, the 21st of June last, a few days after the evacuation of the city of Philadelphia by the British troops, he received a written message from a married lady of character, having connexions with the British army, expressing a desire to see him on business which could not be committed to writing. That attending the lady agreeable to her appointment in the evening, after some previous conversation respecting her connexions, the business and characters of the British Commissioners, and particularly of Governor Johnstone, (meaning the said George Johnstone, Esq;) were the subject of general conversation, which being more confined, the lady enlarged upon the great talents and amiable qualities of that gentleman, and added, that in several conversations with her, he (Governor Johnstone) had expressed the most favourable sentiments of him (Mr. Reed) and that it was particularly wished to engage his (Mr. Reed's) interest to promote the object of their commission. viz. a re-union between the two countries, if consistent with his principles and judgment; and that in such case, it could not be deemed unbecoming or improper in government, (meaning the British,) to take a favourable notice of such conduct, and that in this instance he (Mr. Reed) might have ten thousand pounds sterling, and any office in the colonies (meaning these united states) in his Majesty's gift, (meaning in the gift of his Britannick Majesty). To which, finding an answer was expected, he (Mr. Reed) replied, "He was not worth purchasing, but such as he was, the King of Great-Britain was not rich enough to do it." And whereas the said paragraphs written and sent as aforesaid by George Johnstone, Esq; and the said declaration made by Joseph Reed, Esq; call loudly on

Congress

Congress to express their sense upon them; therefore

Resolved, That the contents of the said paragraphs, and the particulars in the said declaration, in the opinion of Congress, cannot but be considered as direct attempts to corrupt and bribe the Congress of these united States of America.

Resolved, That as Congress feel, so they ought to demonstrate the highest and most pointed indignation against such daring and atrocious attempts to corrupt their integrity.

Resolved, That it is incompatible with the honour of Congress to hold any manner of correspondence or intercourse with the said George Johnstone, Esq; especially to negotiate with him upon affairs, in which the cause of liberty and virtue is interested; and, for the propriety of such conduct, we make, and publish to the world this our declaration.

*Done in Congress at Philadelphia, this 11th of August,
in the year of our Lord, 1778; and in the third year
of the Independence of America.*

By Order of Congress,

HENRY LAURENS, President.

New-York, August 26, 1778.

His Majesty's Commissioners direct Dr. Ferguson to transmit to the President of the American Congress, for the information of the Congress, the declaration of this day by George Johnstone Esq; and the declaration of the same date by the Earl of Carlisle, Sir Henry Clinton, and William Eden, Esquire, and also the requisition respecting the troops lately serving under Lieutenant-General Burgoyne, signed by the Earl of Carlisle, Sir Henry Clinton, and William Eden, Esq;

ADAM FERGUSON,
Secretary to his Majesty's Commission.

New-

To represent George Johnstone, Esq; as
the execution of his Commission
with more of Secrecy than
would be necessary. (32)

Liberty's demand to find New-York, August 26, 1778.

GEORGE JOHNSTONE, one of the Commissioners appointed by his Majesty to carry into execution the gracious purposes of his Majesty and his Parliament for quieting the disorders now subsisting in North-America, and for maintaining the people of these provinces in the clear and perfect enjoyment of their liberties and rights, having seen a declaration of the American Congress, signed by Henry Laurens, their President, dated the 11th of August, to which, for certain assumed reasons therein specified, is subjoined the following resolution.

"That it is incompatible with the honour of Congress to hold any manner of correspondence or intercourse with the said George Johnstone, Esq; especially to negotiate with him upon affairs, in which the cause of liberty and virtue is interested."

The said George Johnstone, for himself says, That he is far from considering the said resolution of the Congress as offensive to him, that he rather receives it as a mark of distinction to which he is by no means entitled, either by his exertions in the cause in which he is employed, or by his abilities for improving any future circumstances that may occur towards fulfilling the purposes of the commission under which he is appointed.

That he shall be happy to find, when this exception as to him shall be removed, that the Congress are inclined to retract their former declaration, and to negotiate with others upon terms equally conducive to the happiness of both countries, at the same time he is inclined to believe, that the said resolution of Congress has been issued upon similar motives with those resolutions respecting the cartouch boxes of General Burgoyne's Army, and calculated as an excuse to a deluded people for not sending an explicit answer to a plain requisition, that was made to the Congress from his Majesty's Commissioners, with regard to the unfortunate soldiers who are detained at Boston, under every indig-nity,

nity, contrary to the public faith of a solemn convention signed at Saratoga, and also to serve as a pretext to the unhappy constituents of the Congress, who are suffering under the various calamities of war, for disappointing the good effects of the commission which the real friends of America had so long requested by the most solemn petitions, resolutions, and public declarations, and which so many of the inhabitants of this continent now desire to see carried into full effect.

As the great purpose Mr. Johnstone had in view in coming to North-America, was to promote a reconciliation between Great-Britain and her colonies, with a full determination to do nothing that could have a tendency to prevent it, in order therefore to defeat the purposes intended by this resolution of Congress, the subscriber George Johnstone, thinks proper to decline acting as a Commissioner, or otherwise interfering in any message, answer, agreement, negotiation, matter, or thing, that may regard the said Congress, which he does with so much the more pleasure, as he is perfectly satisfied the business will be left in more able and sufficient hands, reserving to himself the liberty, if he should judge proper of publishing before he leaves North-America, a justification of his conduct, against the aspersions thrown on his character.

When the Congress were contending for essential privileges necessary to the preservation of their liberty, under solemn declarations, that their resistance was calculated merely to obtain redress upon these points; Mr. Johnstone should have been sorry to have incurred their censure, tho' unheard in his defence, and upon a chain of evidence so totally inconclusive as to him.

At present when the Congress can remain deaf to the cries of so many of their fellow subjects, who are suffering by the miseries of war, and from motives of private ambition can so far fully the principles upon which their first resistance was made, as to bow to a French Ambassador, and league with the antient enemy of both our countries, from whose hostile designs Great-Bri-

tain has so often rescued the inhabitants of North-America, and this for the avowed purpose of reducing the power of the parent state, after all their just claims are gratified, and thereby injuring their nearest and dearest friends and relations, forgetting all the principles of virtue and liberty that ought to regulate the conduct of men in society: Mr. Johnstone is not anxious about the good opinion of such a body, notwithstanding the regard he shall always bear to many of the individuals who compose it, from a just allowance to be made for men acting under the heats incident to civil commotions, and from a certain knowledge they did entertain, and a persuasion that they do now entertain different sentiments.

With respect to the people of America at large, the subscriber sincerely wishes to avoid every subject of offence which designing men may possibly intend to create, by exciting angry passions in return to personal provocations, and thereby defeat any effects of good will towards Mr. Johnstone, which the remembrance of former good offices he has rendered them might occasion.

(Signed)

GEORGE JOHNSTONE.

(COPY.)

(C O P Y.)
D E C L A R A T I O N.

WHEREAS the Earl of Carlisle, Sir Henry Clinton, Knight of the Bath, and William Eden, Esq; three of his Majesty's Commissioners, appointed with sufficient powers, to treat, consult and agree, upon the means of quieting disorders now subsisting in certain of the Colonies, Plantations and Provinces of North-America, have received a declaration of the American Congress, dated the 11th instant, which relates to a Gentleman with whom they have the honour to be joined in commission, and is meant to affect him as a Commissioner; they hereby think proper, on their part, solemnly to declare, that they had not any knowledge, either directly or indirectly, of the letter and conversation alluded to in the said declaration, until they saw them made public in the newspapers. At the same they do not mean either to imply any assent to the construction put on private correspondence, which the Congress have thought proper to publish, or to intimate a belief that any person could have been authorized to hold the conversation to which the said declaration of the Congress alludes—Nor do they on the other hand mean to enter into an explanation of the conduct of a Gentleman whose abilities and integrity require no vindication from them. But they think proper in justice to that Gentleman, as well as to themselves and to the commission with which they are charged, to say, that in the many conversations which he has had with them upon the measures adopted to restore the peace of these Colonies, the principle of all his reasonings seemed to be, that the offers of Great-Britain were obviously adapted to promote and establish the liberties, peace, opulence, increase security and permanent happiness of the inhabitants of this continent, and that those blessings in an equal degree were not to be expected from any other connexion or mode of government whatever. When therefore the King's Commissioners transmitted to the Congress the Acts of Parliament, to exempt the Colonies

for

for ever from British taxation, and to secure their charters and established governments; and when they added that they were authorized and desirous to restore peace, to revive free intercourse and mutual affection, to preserve the value and promote the credit of the paper circulation, to give satisfaction and security for ever on the subject of the military establishments, and to extend every freedom to trade; they felt that they were enabled to stipulate, and had offered not only every thing that is or can be proposed by the French alliance, but also many advantages to this continent which can never by any possibility be derived from that unnatural connection.

And they remain astonished at the calamities in which the unhappy people of these colonies continue to be involved from the blind deference which their leaders profess towards a power that has ever shewn itself an enemy to all civil and religious liberty; and whose offers his Majesty's Commissioners must repeat, whatever may be the pretended date and present form of them, were made only in consequence of the plan of accommodation previously concerted in Great-Britain, and with a view to prevent the reconciliation proposed, and to prolong this destructive war.

This assertion is made on the credit of the following facts:

It is well known to this whole continent, that public intimation of the conciliatory propositions on the part of Great-Britain was given to the British Parliament, and consequently to the whole world in November last; and the reasons for delaying those propositions till after the recess for the holidays were at the same time given to the House of Commons.

It is equally well known that the preliminaries of a French treaty, with which Mr. Simeon Deane first went to sea in the frigate called la Belle Poule, did not bear date earlier than the 16th of December.

It cannot be a secret to the Congress that those preliminaries led to a treaty of commerce only, and were transi-

transmitted to America in that inconclusive form; because the concessions made by France on the one hand were so unsatisfactory, and the conditions required of America on the other so exceptionable, that the Commissioners of the Congress did not think proper to proceed until they should be specially authorized.

Mr. Simeon Deane, after having been some weeks at sea, was obliged to put back into one of the French ports and returned to Paris: In the mean time the Parliament had met again on the 20th of January, and the propositions to be made, though not formally stated till the 17th of February, were occasionally during the whole interval a subject of discussion in all the preparatory debates upon the state of the nation. It was, during this interval, and not before, that France being informed of the liberal and extensive nature of the intended offers, thought it expedient, for the purpose of prolonging the war, and of making these colonies the instruments of her ambition, to new-model and enlarge her proposals.

Still however the full powers are not pretended to have been given to Mons. Gerard before the 30th of January. And whatever time the treaties thus notoriously flowing from the generous measures of Great Britain, may have been dated by the French ministers, either in fact or by collusion, for the purpose of giving an uncandid interpretation to the proceedings of the British Parliament; whatever too may have been the dates of the dispatches which accompanied those treaties, it is well known that neither treaties, nor letters notifying treaties, were sent from France before the 8th of March.

When these particulars together with all the other circumstances attending the conduct of the French Court, towards these Colonies during the years 1775, 1776 and 1777, most of which must be well known to the American Congress, are duly considered, the designs of France, the ungenerous motives of her policy, and the degree

degree of faith due to her professions, will become too obvious to need any illustration.

And his Majesty's Commissioners thought, and still think themselves intitled to expect, that the General Congress should not on the ground of such treaties, even if the constitution under which they act, had authorised them, assume the decisive part, which they have taken, without previously consulting the Assemblies of their different provinces, and making their constituents acquainted with all the facts upon which a true judgment might be formed.

CARLISLE,
H. CLINTON,
W.M. EDEN.

New-York, August 26, 1778.

Published by Order of their Excellencies his Majesty's Commissioners.

ADAM FERGUSON, Secretary.

IN CONGRESS, September 4, 1778.

WHEREAS Congress did, on the 8th day of January 1778, Resolve, "That the embarkation of Lieutenant-General Burgoyne, and the troops under his command, be suspended till a distinct and explicit ratification of the Convention of Saratoga shall be properly notified by the Court of Great-Britain to Congress;"

Resolved, That no ratification of the Convention of Saratoga, which may be tendered in consequence of powers which may reach that case by construction and implication, or which may subject whatever is transacted relative to it to the future approbation or disapprobation of the Parliament of Great-Britain, can be accepted by Congress.

Published by Order of Congress,

CHARLES THOMPSON, Secretary.

New-

To Mr. Rivington, Printer to the
King's Most Excellent Majesty.

SIR,

New-York, October 2d, 1778.

You will be pleased to publish the following Copy of a letter from his Excellency Sir Henry Clinton, K. B. addressed to the President and Members of the American Congress, with the answer subjoined.

I am, Sir,

Your most obedt,

Hble Servant,

JOHN SMITH,

Sec'ry.

N. B. His Excellency addressed another letter of the same date and tenor, to General Washington, to which he has as yet received no answer.

New-York, 19th Sept. 1778.

SIR,

Nothing but His Majesty's positive Instructions, of which I send you an Extract, could have induced me to trouble you or the American Congress again on the Subject of the Troops detained in New-England in direct Contravention of the Treaty entered into at Saratoga. The neglect of the Requisitions already made on this Subject is altogether unprecedented among Parties at War. I now however repeat the Demand that the Convention of Saratoga be fulfilled; and offer by express and recent Authority from the King, received since the Date of the late Requisition made by His Majesty's Commissioners, to renew in His Majesty's Name all the Conditions stipulated by Lieutenant-General Burgoyne in respect to the Troops serving under his Command.

In this I mean to discharge my Duty not only to the King, whose Orders I obey; But to the unhappy People

ple likewise whose Affairs are committed to you, and who I hope will have the Candour to acquit me of the Consequences that must follow from the New System of war you are pleased to introduce.

I have the honour to be,
Sir,

Your most Obedient and
Most humble Servant,
(Signed) H. CLINTON.

To His Excellency
Henry Laurens Esq,
President, and others
the Members of the
American Congress at
Philadelphia.

^a
Philad. 28 Sept. 1778.

SIR

Your letter of the 19th. was laid before Congress, and I am directed to inform you that the Congress of the united states of America make no answer to insolent letters.

I am, with due respect
Sr.

Your obedient humble Servant
Signed, CHA THOMSON Secy.

His Excellency Genl.
Sir Henry Clinton. K. B.
&c &c &c New-York.

To their Excellencies the Right Honourable the Earl of Carlisle, and the Honourable Sir Henry Clinton, William Eden, Esq; and George Johnstone, Esq; Commissioners, &c.

May it please your Excellencies,

WE, his Majesty's loyal and dutiful subjects, merchants, traders and others, inhabitants of the city and county of New-York, beg leave to present our sincere and cordial congratulations, as well on the appointment of your Excellencies to this important trust, as your safe arrival to this Continent.

Deeply impressed with a grateful sense of his Majesty's paternal goodness to all his subjects, and conscious that it has ever been his gracious purpose rather to reclaim than to punish, we trust his Majesty, in the confidence reposed in you as his Commissioners, has taken the most effectual method to give energy and speedy execution to his benevolent intentions. It is therefore natural for us to look forward with pleasure to that period, when under your auspices, all party distinction, shall cease, and peace, harmony and legal government again bless this country: and we trust your Excellencies will soon have the pleasing and honourable satisfaction of restoring these inestimable blessings to suffering thousands, upon so firm and constitutional a basis, as will insure its duration to the remotest period.

We, at the same time, with much deference, beg leave to represent, that the loyal inhabitants of the city and county of New-York, from their past experience of the happiness they enjoyed when at the peace of his Majesty, cannot but wish, that when it may be deemed consistent with the good of the empire, they may be permitted to hope for a renewal of the same privileges, under such regulations as may hereafter be thought expedient. At present we would humbly beg leave to

mention, that from a variety of concurring causes, the value of commercial property in this city has increased to an amount very important and interesting, not only to us as individuals, but also eventually to a large proportion of the mercantile part of Great-Britain. This property is materially increased by many of us having on hand, a variety of articles as well the produce of the several counties in his Majesty's protection, as the imports from other places, together with such goods as have long been in the stores of New-York, unfit for the service either of the army or navy, and only useful when considered as a remittance to Great-Britain. These may be comprised under the following heads, viz. TOBACCO, INDIGO, BEES-WAX, FLAX-SEED, POTASH, LUMBER, DYEWOODS, FURRS, OILS, &c. *to a very large amount, all which we are restrained from shipping by the Prohibitory Act.*

In thus representing to your Excellencies some of those particulars which most materially affect his Majesty's faithful subjects; nothing is more distant from our intentions than a desire to point out any line of conduct to your Excellencies. But conscious that the great object of all your cares is the public good, we rest in full confidence that your Excellencies will be pleased to take the premises into your consideration, and grant us such indulgence and relief as to your Excellencies may appear expedient and consistent with his Majesty's service.

ANSWER

ANSWER of the COMMISSIONERS.

THE Earl of Carlisle, Sir Henry Clinton, William Eden, Esq; and George Johnstone, Esq; his Majesty's Commissioners, &c. &c. &c. thank the merchants, traders and others, inhabitants of the city of New-York, for the very obliging terms of their Address, and assure them that the confidence reposed in the benevolent purposes of the Commission, as well as in the cordial wishes of the Commissioners to restore the blessings of peace, harmony and good government to this country, is founded in the strictest truth.

His Majesty's Commissioners sincerely regret that whilst the attainment of these great and important objects remains in suspense, the nature of the service by sea and land should have required an embargo to be laid on the shipping in this port.

It is the sincere wish of the Commissioners to have this embargo removed, and they have no doubt, that as soon as it shall be no longer necessary for his Majesty's service, the Commanders in Chief of the Army and Navy will concur with them in removing it.

When that moment arrives, it is the purpose of his Majesty's Commissioners to extend the freedom of exportation to every article of merchandize collected in this port and city, which it may not be judged necessary to retain for the use of the troops and inhabitants, and to grant to the merchants this relief, under such regulations as may be calculated for their ease and security, and at the same time compatible with the other urgent services of the Public.

By Order of their Excellencies.

ADAM FERGUSON, Secretary.

New-York, August 29, 1778.

By the Earl of Carlisle, Sir Henry Clinton, and William Eden, Esq; his Majesty's Commissioners, &c. &c. &c.

A PROCLAMATION.

WHEREAS in pursuance of an Act, made and passed in the eighteenth year of his Majesty's reign, entitled, "An Act to enable his Majesty to appoint Commissioners, with sufficient powers to treat, consult, and agree upon the means of quieting the disorders now subsisting in certain of the colonies, plantations, and provinces, in North-America"—His Majesty has been pleased to authorise and empower us, by Proclamation under our respective hands and seals, from time to time, as we shall see convenient, to suspend the operation and effect of a certain act of Parliament, made and passed in the sixteenth year of his Majesty's reign, for prohibiting all trade and intercourse with certain colonies and plantations therein named, and for purposes therein also mentioned, or any of the provisions, or restrictions therein contained, and therein to specify at what time and places respectively, and with what exceptions and restrictions, and under what passes and clearances, in lieu of those heretofore directed by any act or acts of Parliament, for regulating the trade of the colonies and plantations the said suspension and Proclamation, in the same manner and form to annul and revoke.

And whereas his Majesty, in pursuance of the said first recited act, has been farther pleased to authorise and empower us, from time to time, as we shall judge convenient, to suspend in any places, and for any time during the continuance of the said first recited act, the operation and effect of any act or acts of Parliament, which have passed since the tenth day of February, 1763, and which relate to any of the colonies, provinces or plantations, therein mentioned; so far as the same relate to them or any of them, or the operation and effect of any clause or any provision, or other matter, in such

such acts contained, so far as such clauses, provisions or matters, relate to any of the said colonies, provinces or plantations.

And whereas the disorders still continuing in part of the province of New-York, and the hostilities subsisting between his Majesty's subjects of this port, and those of the neighbouring provinces for the present prevent our framing and instituting a commercial plan on those liberal principles on which Great-Britain wishes to reunite with the American colonies; we are nevertheless desirous, until such a plan can be established on a large and permanent basis, to give all immediate relief and security to the trade carried on by his Majesty's loyal subjects at the port of New-York.

We therefore find it convenient to suspend, and do hereby from the date of this Proclamation, suspend so much of the aforesaid act of Parliament, made and passed in the sixteenth year of his Majesty's reign, for prohibiting all trade and intercourse with certain colonies, provinces, and plantations therein named, as prevents the exportation of goods formerly allowed to be shipped from this port to Great-Britain, Ireland, Newfoundland, Quebec, Rhode-Island, East and West-Florida, and the British West-Indies; the articles of stores and provisions, naval and military stores excepted; and we do hereby authorise the officers appointed in the Proclamation issued by his Excellency Sir William Howe, on the 17th July, 1777, to grant permissions for the loading and due exportation of such first mentioned goods to the places aforesaid, under the restrictions and regulations made and set forth in the said Proclamation.

And whereas his Majesty, in pursuance of the said first recited act of Parliament, has been farther pleased to authorise and empower us, to grant pardon or pardons to any number or description of persons within the colonies, provinces or plantations, mentioned in the said act.

And whereas by an act of Parliament, made and passed

sed in the seventeenth year of his Majesty's reign, entitled, "An Act to authorise the carrying of the captures therein mentioned, into any port of his Majesty's dominions in North-America; and for ascertaining the value of such part of ships and goods, as belong to the captors."—It is enacted, that the persons appointed by his Majesty, to grant pardons, may grant his licence or warrant, authorising any captors, or any other persons in their behalf, to carry the captures therein described, into any harbour or place in any of his Majesty's dominions:—

We do hereby give full licence and warrant to the Commanders of his Majesty's ships and vessels of war, and to all others legally and properly authorised to make the captures described in the abovementioned act, to send all such captures to the ports of New-York, and Newport in Rhode-Island: And we further declare, that such captures, or any part of such captures, after condemnation as lawful prize, may be exported into and landed in Great-Britain, or any other of his Majesty's dominions, upon payment of the same duties, and subject to the same restrictions in all other respects, as the same now are subject to by the said recited act; the Officers appointed in the Proclamation of his Excellency Sir William Howe, aforementioned, granting such licences for the said exportations, as we shall direct.

And we further declare, that this Proclamation shall commence from the date hereof, and continue to be in force for three kalendar months, from the said date, or until we shall think proper to annul and revoke it.

And pursuant to his Majesty's commission, we hereby call upon all officers, civil and military, and all other his Majesty's loving subjects, to be aiding and assisting unto us in the execution of this our Proclamation, and of other matters herein contained.

Given under our hands and seals in New-York, 26th September, 1778.

(L.S.) CARLISLE. (L.S.) HEN. CLINTON. (L.S.) WM. EDEN.

By their Excellencies Command,

ADAM FERGUSON, Secretary.

A Memorial containing propositions and queries having been presented to his Majesty's Commissioners relating to the propriety of separate negotiations to be entered into by persons now in exile from their several settlements, for liberty to return and to hold their property under the present usurped governments in North America; the Commissioners are pleased to order the following answer:

IT is the sense of his Majesty's Commissioners, that they being entrusted with a plan of pacification framed upon the most gracious intentions of the King and of the Parliament, and having given to the general Congress of American deputies the necessary intimation of their arrival, and of the principles upon which they were authorized to restore the peace of America, the business now rests with the Congress and with the people of America.

His Majesty's Commissioners are ready to receive any propositions that may be made to them, and to treat on the principles stated in their letters to the Congress, and in their proclamation to the people; but cannot countenance any measure tending to a reconciliation with his Majesty's rebellious subjects, upon terms inconsistent with those already proposed to the American Congress, nor give sanction to any act by which a subject of the state of Great Britain may be led to renounce his allegiance to his Majesty, or to join with his enemies.

M A N I F E S T O
A N D
P R O C L A M A T I O N.

To the Members of the Congress, the Members of the General Assemblies or Conventions of the several Colonies, Plantations and Provinces of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the three lower Counties on Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, and all others, free Inhabitants of the said Colonies, of every Rank and Denomination.

By the EARL of CARLISLE, SIR HENRY CLINTON, and WILLIAM EDEN, Esq; Commissioners appointed by his Majesty, in Pursuance of an Act of Parliament, made and passed in the 18th Year of his Majesty's Reign, to enable his Majesty to appoint Commissioners to treat, consult, and agree upon the Means of quieting the Disorders now subsisting in certain of the Colonies, Plantations, and Provinces in North-America.

*H*AVING amply and repeatedly made known to the Congress, and having also proclaimed to the inhabitants of North-America in general, the benevolent overtures of Great-Britain towards a re-union and coalition with her colonies, we do not think it consistent either with the duty we owe to our country, or with a just regard to the characters we bear, to persist in holding out offers which in our estimation required only to be known to be most gratefully accepted: and we have accordingly, excepting only the Commander in Chief, who will be detained by military duties, resolved to return to England a few weeks after the date of this Manifesto and Proclamation.

Previous however to this decisive step, we are led by a just anxiety for the great objects of our Mission to enlarge on some points which may not have been sufficiently understood, to recapitulate to our fellow subjects the blessings which we are empowered to confer, and to warn them of the continued train of evils to which they are at present blindly and obstinately exposing themselves.

To the members of the Congress then, we again declare that we are ready to concur in all satisfactory and just arrangements for securing to them and their respective constituents, the re-establishment of peace, with the exemption from any imposition of taxes by the Parliament of Great-Britain, and the irrevocable enjoyment of every privilege consistent with that union of interests and force on which our mutual prosperity and the safety of our common religion and liberties depend. We again assert that the members of the Congress were not authorized by their constitution, either to reject our offers without the previous consideration and consent of the several Assemblies and Conventions their constituents, or to refer us to pretended foreign treaties which they know were delusively framed in the first instance, and which have never yet been ratified by the people of this continent. And we once more remind the members of the Congress that they are responsible to their countrymen, to the world, and to God, for the continuance of this war, and for all the miseries with which it must be attended.

To the General Assemblies and Conventions of the different Colonies, Plantations, and Provinces, above-mentioned, we now separately make the offers which we originally transmitted to the Congress; and we hereby call upon and urge them to meet expressly for the purpose of considering whether every motive, political as well as moral, should not decide their resolution to embrace the occasion of cementing a free and firm coalition with Great-Britain. It has not been, nor is it, our wish, to seek the objects which we are commission-

ed to pursue by fomenting popular divisions and partial cabals ; we think such conduct would be ill-suited to the generous nature of the offers made, and unbecoming the dignity of the King and the State which make them. But it is both our wish and our duty to encourage and support any men or bodies of men in their return of loyalty to our Sovereign and of affection to our fellow-subjects.

To all others, free inhabitants of this once happy Empire, we also address ourselves. Such of them as are actually in arms, of whatsoever rank or description, will do well to recollect, that the grievances, whether real or supposed, which led them into this rebellion, have been for ever removed, and that the just occasion is arrived for their returning to the class of peaceful citizens. But if the honours of a military life are become their object, let them seek those honours under the banners of their rightful Sovereign, and in fighting the battles of the United British Empire against our late mutual and natural enemy.

To those whose profession it is to exercise the functions of religion on this continent, it cannot surely be unknown, that the Foreign Power with which the Congress is endeavouring to connect them, has ever been averse to toleration and inveterately opposed to the interests and freedom of the places of worship which they serve ; and that Great-Britain from whom they are for the present separated, must both from the principles of her constitution and of protestantism be at all times the best guardian of religious liberty, and most disposed to promote and extend it.

To all those who can estimate the blessings of peace and its influence over agriculture arts and commerce, who can feel a due anxiety for the education and establishment of their children, or who can place a just value on domestic security, we think it sufficient to observe, that they are made by their leaders to continue involved in all the calamities of war without having either

ther a just object to pursue, or a subsisting grievance which may not instantly be redressed.

But if there be any persons who, divested of mistaken resentments, and uninfluenced by selfish interests, really think that it is for the benefit of the colonies to separate themselves from Great-Britain, and that so separated they will find a constitution more mild, more free, and better calculated for their prosperity than that which they heretofore enjoyed and which we are empowered and disposed to renew and improve; with such persons we will not dispute a position which seems to be sufficiently contradicted by the experience they have had. But we think it right to leave them fully aware of the change which the maintaining of such a position must make in the whole nature and future conduct of this war; more especially when to this position is added the pretended alliance with the Court of France.—The policy as well as the benevolence of Great-Britain have thus far checked the extremes of war when they tended to distress a people still considered as our fellow-subjects, and to desolate a country shortly to become again a source of mutual advantage: But when that country professes the unnatural design not only of estranging herself from us but of mortgaging herself and her resources to our enemies, the whole contest is changed; and the question is, How far Great-Britain may by every means in her power destroy or render useless a connexion contrived for her ruin, and for the aggrandizement of France. Under such circumstances the laws of self-preservation must direct the conduct of Great-Britain, and if the British Colonies are to become an accession to France, will direct her to render that accession of as little avail as possible to her enemy.

If however there are any who think that notwithstanding these reasonings the Independence of the Colonies will in the result be acknowledged by Great-Britain, to them we answer without reserve that we neither possess nor expect powers for that purpose; and that if Great-Britain could ever have sunk so low as to

adopt

A adopt such a measure, we should not have thought ourselves compellable to be the instruments in making a concession which would in our opinion be calamitous to the colonies for whom it is made, and disgraceful as well as calamitous to the country from which it is required. And we think proper to declare that in this spirit and sentiment we have regularly written from this Continent to Great-Britain.

It will now become the colonies in general to call to mind their own solemn appeals to Heaven in the beginning of this contest, that they took arms only for the redress of grievances, and that it would be their wish as well as their interest to remain for ever connected with Great-Britain. We again ask them whether all their grievances, real or supposed, have not been amply and fully redressed; and we insist that the offers we have made leave nothing to be wished in point either of immediate liberty or permanent security: if those offers are now rejected, we withdraw from the exercise of a Commission with which we have in vain been honoured; the same liberality will no longer be due from Great-Britain, nor can it either in justice or policy be expected from her.

In fine, and for the fuller manifestation as well of the disposition we bear, as of the gracious and generous purposes of the commission under which we act, we hereby declare, that *WHEREAS* his Majesty in pursuance of an act, made and passed in the eighteenth session of Parliament, entitled "An act to enable his Majesty to appoint commissioners with sufficient powers to treat, consult, and agree upon the means of quieting the disorders now subsisting in certain of the Colonies, Plantations, and Provinces of North-America" having been pleased to authorise and empower us to grant a pardon or pardons to any number or description of persons within the Colonies, Plantations, and Provinces o, New-Hampshire, Massachusetts-Bay, Rhode-Island-Connecticut, New-York, New-Jersey, Pennsylvania, the three lower counties on Delaware, Maryland, Virgi-

nia, North-Carolina, South-Carolina and Georgia; And WHEREAS the good effects of the said authorities and powers towards the people at large, would have long since taken place, if a due use had been made of our first communications and overtures, and have thus far been frustrated only by the precipitate resolution of the Members of the Congress not to treat with us, and by their declining to consult with their constituents; We now in making our appeal to those constituents and to the free inhabitants of this continent in general, have determined to give to them what in our opinion should have been the first object of those who appeared to have taken the management of their interests; and adopt this mode of carrying the said author ities and powers into execution. WE ACCORDINGLY HEREBY GRANT AND PROCLAIM A PARDON OR PARDONS OF ALL, AND ALL MANNER OF, TREASONS OR MISPRISIONS OF TREASONS, BY ANY PERSON OR PERSONS, OR BY ANY NUMBER OR DESCRIPTION OF PERSONS WITHIN THE SAID COLONIES, PLANTATIONS, OR PROVINCES, COUNSELLLED, COMMANDED, ACTED, OR DONE, ON OR BEFORE THE DATE OF THIS MANIFESTO AND PROCLAMATION.

And we farther declare and proclaim, that if any person or persons, or any number or description of persons within the said Colonies, Plantations and Provinces, now actually serving either in a civil or military capacity in this rebellion, shall, at any time, during the continuance of this Manifesto and Proclamation, withdraw himself or themselves from such civil or military service, and shall continue thenceforth peaceably as a good and faithful subject or subjects to his Majesty to demean himself or themselves, such person or persons, or such number and description of persons, shall become, and be, fully entitled to, and hereby obtain all the benefits of the pardon or pardons hereby granted; excepting only from the said pardon or pardons every person, and every number or description of persons, who, after the date of this Manifesto and Proclamation, shall, under the pretext of authority, as Judges, Jurymen, Ministers,

or

or Officers of civil Justice, be instrumental in executing and putting to Death any of his Majesty's subjects within the said Colonies, Plantations and Provinces.

And we think proper farther to declare, that nothing herein contained is meant, or shall be construed to set at liberty any person or persons, now being a prisoner or prisoners, or who during the continuance of this rebellion shall become a prisoner or prisoners.

And we offer to the colonies at large, or separately, a general or separate peace, with the revival of their ancient governments secured against any future infringements, and protected for ever from taxation by Great-Britain. And with respect to such farther regulations, whether civil, military, or commercial, as they may wish to be framed and established, we promise all the concurrence and assistance that his Majesty's commission authorises and enables us to give.

And we declare that this Manifesto and Proclamation shall continue, and be in' force FORTY DAYS from the date thereof, that is to say from the third day of October, to the Eleventh Day of November, both inclusive.

And in order that the whole contents of this Manifesto and Proclamation may be more fully known we shall direct copies thereof both in the English and German language to be transmitted by Flags of Truce to the Congress, the General Assemblies or Conventions of the Colonies, Plantations, and Provinces and to several persons both in civil and military capacities within the said Colonies, Plantations, and Provinces. And for the further security in times to come of the several persons or numbers or descriptions of persons who are or may be the objects of this Manifesto and Proclamation, we have set our hands and seals to thirteen copies thereof, and have transmitted the same to the Thirteen Colonies, Plantations, and Provinces abovementioned, and we are willing to hope that the whole of this Manifesto and Proclamation will be fairly and freely published and circulated for the immediate, general, and most serious consideration and benefit of all his Majesty's Subjects

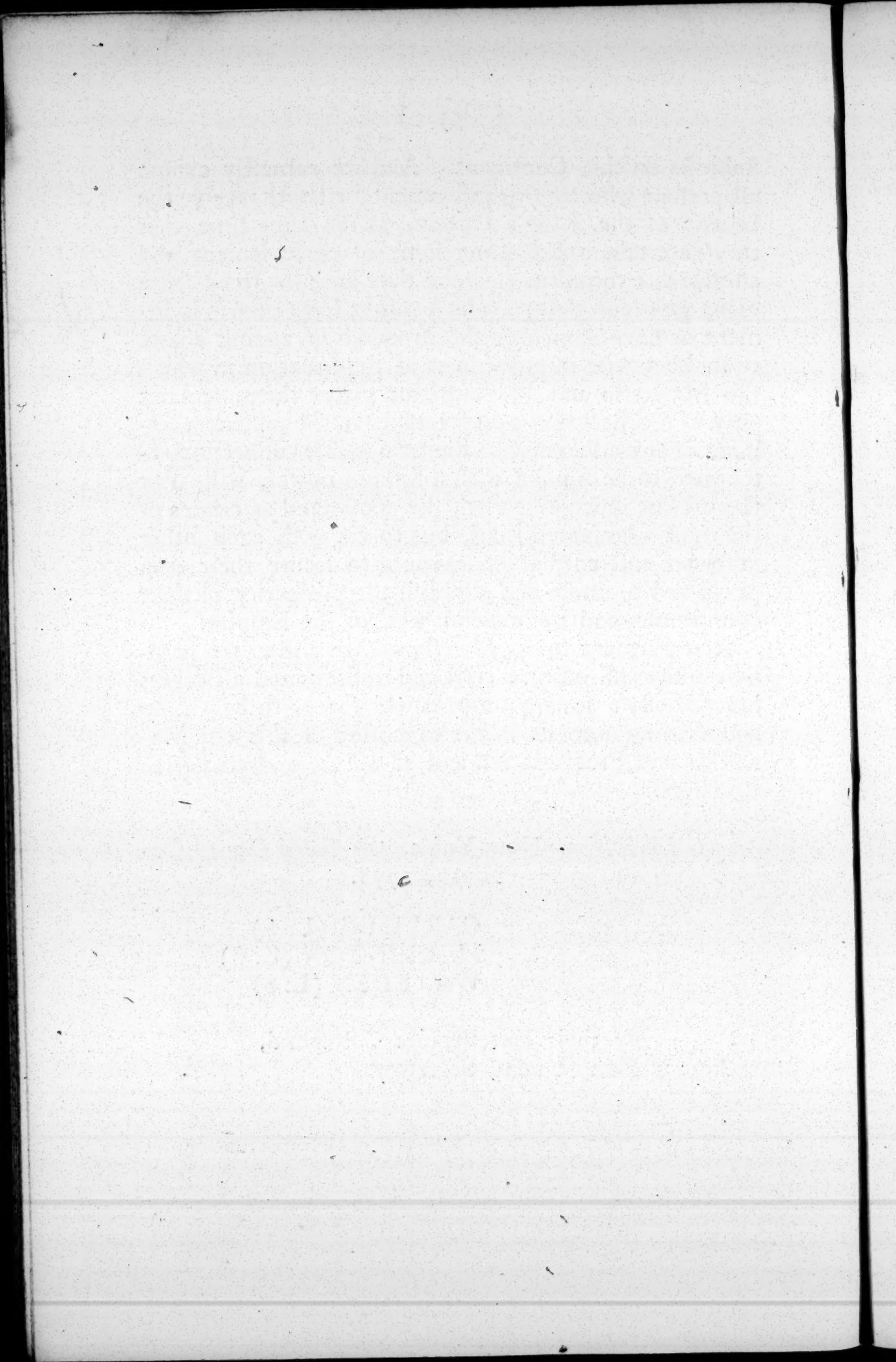
Subjects on this Continent. And we earnestly exhort all persons who by this instrument forthwith receive the benefit of the King's Pardon, at the same time that they entertain a becoming sense of those lenient and affectionate measures whereby they are now freed from many grievous charges which might have risen in judgment or have been brought in question against them, to make a wise improvement of the situation in which this Manifesto and Proclamation places them, and not only to recollect that a perseverance in the present rebellion, or any adherence to the treasonable connection attempted to be framed with a foreign power, will, after the present grace extended, be considered as crimes of the most aggravated kind, but to vie with each other in eager and cordial endeavours to secure their own peace and promote and establish the prosperity of their countrymen and the general weal of the Empire.

And pursuant to his Majesty's Commission we hereby require all officers civil and military and all others his Majesty's loving subjects whatsoever to be aiding and assisting unto us in the execution of this our Manifesto and Proclamation and of all the matters herein contained.

GIVEN at NEW-YORK, this Third Day of OCTOBER, 1778.

CARLISLE (L. S)
H. CLINTON (L. S)
WM. EDEN (L. S)

By their Excellencies Command,
ADAM FERGUSON, Secretary.



Proposed APPENDIX to the several Publications
relating to the Proceedings of His MAJESTY'S COM-
MISSIONERS. By a Well Wisher to the Prosperity
both of Great-Britain and North-America.

THE reprinting of the conciliatory acts of Parliament, and the commission founded upon them, together with the transactions which have passed in the execution of both, will sufficiently enable the suffering American, to determine for himself, in his inquiries concerning the authors and causes of the future calamities of his country.

Great-Britain has repealed the statutes for blocking up the port of Boston,—that for altering the charter government of Massachusetts-Bay,—the tea duty act,—the acts for restraining the fishery and the trade of the colonies,—and renounced the claim of taxation both in North-America and the island colonies of the West-Indies.

That the plantations may be restored to the happy condition in which they stood before the close of the last war, she has enabled the Commissioners—

- I. To put a stop to hostilities both by sea and land.
- II. To open the trade of the colonies, by suspending the act which now prohibits its course and renders their property prize.
- III. To suspend the operation of any other acts passed since the 10th of February, 1763.
- IV. To bury past offences in oblivion by general pardons.
- V. To constitute whom they please, to be Governors of the provinces in the appointment of the crown.

But the parent state has given farther proofs of a liberal disposition. She offers to treat with the colonies or any of them, to agree on establishments to be irrevocably ratified by her legislature; and the Commissioners will agree to a cessation of arms, until the sense of Parliament can be obtained, on a grand, solemn, constitutional compact; the general objects of which will be (exclusive of extending the commerce of America) to ascertain the power of all the colony legislatures, over their revenues, their civil and military establishments, and vest them with a perfect freedom of legislation and internal government the same as Great Britain enjoys, and under one common Sovereign, with every privilege "short of a total separation of interests, or consistent with that union of force on which the safety of our common religion and liberty depends."

Among the statutes passed since 1763 and now subject to immediate suspension, and, on a treaty, to be marked out for future alteration and repeal, are, that complained of as extending the admiralty jurisdiction,—that directing the trial of certain offenders in England,—the Quebec or Canada act,—the statute of supremacy, asserting an authority to bind America in all cases whatsoever,—and those respecting the board of Commissioners in Boston, &c. &c. &c.

What

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What then is wanting to put the Americans in full possession of all the blessings they can reasonably desire, but a treaty on the momentous concerns of the empire? A door is open for the requisitions of all orders of men, civil and ecclesiastical—It is not shut against any proposals, that can in the smallest degree contribute to the common weal. And until there is an interview and consultation, who can assert that any salutary proposition will fail?

It has however been suggested and asserted by well intentioned and well-informed persons that the people of North America are still made to believe they owed the liberality of Great Britain to the interposition of France; and that many thousands remain to this hour in perfect ignorance of the advances Great Britain had formerly made to bring on a friendly negotiation.

For the satisfaction therefore of persons either uninformed or misled on this subject, the writer of this Appendix begs leave to recall to their attention some well known facts, and to communicate to them some papers and extracts of transactions prior to the present Commission, which have been printed and are well known in Europe, but have not been circulated and indeed have been strangely hitherto concealed in North America.

It will not now be disputed that hostilities strictly speaking began on the part of the colonies with the destruction of the Gaspey sloop and the riots at Boston; and it is material to observe that the first pacific advances of Great Britain were made not only before any interposition of France; but before any other hostilities than those committed on the part of the people of New England were known of in Europe; and preceeded or accompanied the first armaments that were fitted out to assert the authority of Government, which whatever lenient measures, it may pursue, must still be asserted.

If the Stamp Act passed as a measure proceeding upon principles of the constitution at that time undisputed; the Stamp Act was repealed upon being complained of.

The duties proposed to be levied on tea and other articles were trifling and tho' not to be given up to an act of insolence and violence, would probably like the Stamp Act have been repealed upon proper representations.

On the 20th February 1775, while a few regiments only were ordered to embark for the safety of government in America,—the King's Ministers made the following motion in the House of Commons.

Extract from the Journals of the House of Commons; Die Lunæ,
20th February 1775.

The House, in a Committee, on the American papers,
Resolved, "That it is the opinion of this Committee, that when the
" General Council and Assembly, or General Court of any of his Majes-
" ty's Provinces or Colonies in America, shall propose to make provision,
" according to the conditions, circumstance or situation of such province
" or colony, for contributing their proportion to the common defence
" (such proportion to be raised under the authority of the General Court, or
" General Assembly of such Province or Colony, and disposable by Parli-
" ament) and shall engage to make provision also, for the support of the
" civil government and the administration of justice in such province or
" colony, it will be proper, if such proposal shall be approved by his
" Majesty and the two Houses of Parliament, and for so long as such pro-
" vision shall be made accordingly, to forbear in respect of such Province
" or Colony, to lay any duty, tax or assessment, except only such duties
" as it may be expedient to continue to levy or impose, for the regulation
" of

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" of commerce; the net produce of the duties last mentioned to be carried to the account of such province or colony respectively."—

Copies of this Resolution were sent to America, inclosed in a circular letter to the several Governors and Lieutenant-Governors, from one of his Majesty's principal Secretaries of State, of which the following is an extract:

Whitehall, March 3d, 1775.

SIR,

" YOU will have seen in the King's answer to the joint address of both Houses of Parliament on the 7th of February, which address and answer we have already been transmittted to you, how much attention his Majesty was graciously pleased to give to the assurance held out in that address, of the readines of Parliament to afford every just and reasonable indulgence to the colonies whenever they should make a proper application on the ground of any real grievance they might have to complain of, and therefore I have the less occasion now to enlarge upon the satisfaction it hath given his Majesty to see that address followed by the inclosed resolution of the House of Commons, which, whatever may be the effect of it (I trust a happy one) will for ever remain an evidence of their justice and moderation, and manifest the temper which has accompanied their deliberations upon that question, which has been the source of so much disquiet to his Majesty's subjects in America, and the pretence for acts of such criminal disorder and disobedience.

" His Majesty ardently wishing to see a reconciliation of the unhappy differences which have produced those disorders, by every means through which it may be obtained without prejudice to the just authority of Parliament, which his Majesty will never suffer to be violated, approves the resolution of his faithful Commons, and commands me to transmitt it to you, not doubting that this happy disposition to comply with every just and reasonable wish of the King's subjects in America, will meet with such a return of duty and affection on their part, as will lead to a happy issue of the present disputes, and to a re establishment of the public tranquillity on those grounds of equity, justice and moderation, which this resolution holds forth."

And in another place,

" The resolution neither points out what the civil establishment should be, nor demands any specific sum in aid of the public burdens: In both these respects it leaves full scope for that justice and liberality which may be expected from colonies, that, under all their prejudices, have never been wanting in expressions of an affectionate attachment to the Mother Country and a zealous regard for the general welfare of the British Empire."

Such was the language of King and Parliament in the year 1775, but parties at that time were too much heated on both sides to make this motion or letter, what they were intended to be, the foundation of a friendly negotiation.

Although this advance on the part of the British Parliament had been rejected, satisfactory intimations were given to the Congress upon certain material points tending to draw on a treaty for reestablishing the peace of the Empire.

It was proposed to certain Delegates of the Congress, in January 1776.

1st. To ascertain the proportion each colony was able to contribute towards the common defence.

2d. That the supply should be raised by Act of Assembly in duties upon imports or exports most likely to keep pace with the growth or decline of the colony.

3d. That,

A P P E N D I X.

3d. That other duties for regulating trade should be paid into the Colony-treasury and be subject to the disposal of the Assembly.

4th. Great Britain to renounce the claim of taxation and depend for aids in all exigencies upon the free gift of the Colonies.

These points being agreed upon, America might expect a repeal of the offensive statutes with a limitation of the number of troops quartered in America and a partition of them among the provinces.

The sentiments of the Congress were desired by messengers of their own. It was fairly hinted that Great Britain would arm at all points and yet precede her operations by proposals for a treaty.

The gentlemen who thus communicated the Minister's idea of a plan of peace were put to their paroles before they were permitted to leave Philadelphia. Why the Congress thought proper to neglect and yet conceal these transactions must at present be left to conjecture. The colonies may procure satisfaction by interrogating those who at that time were their Delegates in the Congress.

Though the irruption into Canada in autumn 1775, could not fail of highly exasperating the nation, the King did on the 6th May 1776, while the armament destined to assemble on the coast of North America under Lord Howe and his Brother was ordered, appoint them Commissioners to hold out the olive branch on very liberal terms, as may be learned from the following papers :

The first is a proviso in one of the most severe acts which the Parliament of Great Britain has passed on occasion of this contest, in which trade prohibited with certain of the colonies and their property declared prize.

" 44 § Provided always nevertheless, and it is hereby enacted by the authority aforesaid, That in order to encourage all well-affected persons in any of the said colonies to exert themselves in suppressing the Rebellion therein, and to afford a speedy protection to those who are disposed to return to their duty, it shall and may be lawful to and for any person or persons, appointed and authorised by his Majesty, to grant a pardon or pardons to any number or description of persons, and by proclamation, in his Majesty's name, to declare any colony or province, colonies or provinces, or any county, town, port, district or place, in any colony or province, to be at the peace of his Majesty; and from and after the issuing of any such proclamation in any of the aforesaid colonies or provinces, or if his Majesty shall be graciously pleased to signify the same by his royal proclamation, then, from and after the issuing of such proclamation, this act, with respect to such colony or province, colonies or provinces, county, town, port, district or place, shall cease, determine, and be utterly void; and if any captures shall be made, after the date and issuing of such proclamations, of any ships or vessels, and their cargoes, belonging to the inhabitants of any such colony or province, colonies or provinces, county, town, port, district or place, or of any ships trading to or from such colony or province, colonies or provinces, respectively, the same shall be restored to the owner of such ships or vessels, upon claim being entered, and due proof made, of their property therein, and the captors shall not be liable to any action for seizing or detaining the said ships or vessels, or their cargoes, without proof being made that they had actual notice of such proclamation having been issued."

The second is a clause in the Commission granted to Lord Howe and General Howe, appointed to command a great armament, and employed to support the authority of government in America. Being authorised to grant pardons, they are farther charged in the following terms :

— " And

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— “ And we do hereby strictly charge and command you the said
“ Lord Viscount Howe, and William Howe, and each of you, from time
“ to time to inquire diligently into the state and condition of the said co-
“ lonies and provinces, and of every county, town, port, district and
“ place within the same, or any of them respectively, and to receive and
“ entertain all dutiful complaints and representations made to you or
“ either of you, by the inhabitants thereof, and faithfully and duly to
“ transmit the same to one of our principal Secretaries of State, that
“ such reformation and redress may follow thereupon as the nature of the
“ case shall require. And it is our further will and pleasure, that you do
“ confer as occasion may require with our subjects in the said provinces,
“ or any of them, concerning such arrangements and regulations as may
“ tend to the advantage and stability of the said several colonies and pro-
“ vinces, and to a lasting union with Great-Britain, upon the true prin-
“ ciples of the constitution.”

These Commissioners embraced every opportunity of pursuing the object of their trust. The following is an account of an interview which Lord Howe had on Staten-Island with the Deputies of Congress :

Eagle, off New-York, Sept. 20, 1776.

Extract of a Letter from LORD VISCOUNT HOWE to LORD GEORGE GERMAINE.

My LORD,

“ FINDING in a conversation with Mr. Sullivan, a Major-General
“ in the rebel army, taken prisoner in the action of the 27th Aug. that
“ the leaders of the disaffected Americans professed to understand that
“ the powers delegated by the King’s Commission, were restricted to
“ granting pardons and declaring the colonies at peace, without authority
“ to enter into any discussion of grievances, I thought proper to inform
“ that gentleman, that the object of his Majesty’s paternal desire was to
“ make his American subjects happy, as well as to relieve them from
“ the calamities of war;---that the Commissioners were willing to consult
“ and confer with any person of influence upon the means of attaining
“ those ends; and that reconciliation, union and redress of grievances
“ might be the happy consequences. Mr. Sullivan hereupon proposed,
“ and with General Howe’s approbation, I consented, that he should go
“ to Philadelphia, and undeceive those who appeared to entertain that
“ confined opinion of the King’s most gracious intentions.

“ On the 9th instant, he returned and acquainted me, that he had
“ made known the sentiments I had expressed to him, and that, according
“ to the Tenor of a resolution of Congress, three deputies might soon be
“ expected in this province to enquire more particularly into the grounds
“ of the information he had communicated.

“ I have the honour to send inclosed to your Lordship a copy of that
resolution.

“ Altho’ the object of this deputation apparently was to interrogate
“ rather than to confer, General Howe concurred in opinion with me,
“ that I should not on that account decline any proposition for a meeting.
“ We thought it material to controvert the real or affected ideas before
“ mentioned, which had probably been circulated with a view to persuade
“ the ignorant, that the offer of peace and pardon, held forth in our de-
“ clarations of the 14th July, was merely an artifice to disarm them, and
“ that their liberties and properties were only to be secured by a per-

“ severance

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" severance in their resolution to throw off all dependance upon the King
" and Parliament of Great-Britain.

" In the evening of the same day I received information, that Dr. Franklin,
" Mr. John Adams and Mr. Rutledge would meet me at any appointed
" place on the morning of the 12th. General Howe's presence being that
" day necessary with the army, he could not accompany me to the meeting,
" which I appointed should be on Staten-Island, opposite to the town of
" Amboy.

" I acquainted them, that the King's desire to restore the public tranquility, and to render his American subjects happy in a permanent union with Great-Britain, had induced him to constitute commissioners upon the spot to remove the restrictions upon trade and intercourse, to dispense the royal clemency to those who had been hurried away from their allegiance, to receive representations of grievances, and to discuss the means whereby that mutual confidence and just relation which ought to subsist between the colonies and the parent state, might be restored and preserved. I also gave them to understand, that his Majesty was graciously disposed to a revision of such of his royal instructions as might have laid too much restraints upon their legislation, and to concur in a revisal of any of the Plantation laws by which the colonists might be aggrieved--that the commissioners were earnest on their part to prevent the farther effusion of blood, and to proceed upon all such measures as might expedite the accomplishment of the purposes of their commission--that they were willing to confer with any of his Majesty's subjects, and to treat with delegates of the colonies legally chosen, upon all matters relating to grievances and regulations--but that, for very obvious reasons, we could not enter into any treaty with their Congress, and much less proceed in any conference or negotiation upon the inadmissible ground of independency, a pretension which the commissioners had not, nor was it possible they ever should have authority to acknowledge.

" The three gentlemen were very explicit in their opinions, that the associated colonies would not accede to any peace or alliance, but as free and independent states; and they endeavoured to prove that Great-Britain would derive more extensive and more durable advantages from such an alliance, than from the connexion it was the object of the commission to restore. Their arguments not meriting a serious attention, the conversation ended, and the gentlemen returned to Amboy.

General Howe attempted to bring on a negociation by means of General Lee in 1776, and by means of Mr Willing and Mr. Browne in November 1777.

The following is the examination of John Brown, taken from the Pennsylvania packet of November 29th, viz. he says,

" That he left the city on the 4th November instant, in consequence of the application of Mr. Thomas Willing, who shewed this examinant a note from General Howe, requesting to see him (Mr. Willing) that Mr. Willing told this examinant that General Howe desired to accommodate the difference, and prevent the effusion of human blood; that he and his brother had full power to treat with Congress as Congress, or any men they should appoint, provided they should rescind independency; that he (General Howe) desired this to be made known to some member of Congress, and Mr. Willing desired this examinant to be the messenger; that he (General Howe) would put them in the same state they were in in 1763, and give them more privileges than they had ever asked; that he did not desire us to lay down our arms, or cease from our preparations till matters were accommodated; that upon such accommodation he would withdraw his

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" his fleet and army, and no standing army should be kept up in this country, and that the paper currency should be established ; that some of these articles, of which the last was one, were added upon Mr. Willing's returning to General Howe, in consequence of this examinant's hesitating to come out with them ; upon which this examinant undertook the business, and engaged not to communicate his business to any person until he should have first communicated it to some member of Congress ; that this examinant passed the Schuylkill in consequence of a passport from an aide-de-camp of General Howe ; that he passed General Potter in the evening without communicating his business to him, or obtaining a pass from him, and travelled up to the house of Mr. Robert Morris, at Manheim, and there waited from Thursday evening to Saturday evening following for the arrival of Mr. Morris, and when he arrived, communicated the matter first of all to him ; that Mr. Morris then called in Mr. Duar, another member of Congress, and these were the first persons to whom he revealed the business ; and from Manheim he returned to Lancaster, when he was first called before this council, and bailed by Mr. Morris and Mr. Duar to go to York, and that he has hitherto communicated his business only to Mr. Morris, Mr. Duar, and now to the members of this council ; but that he understood the matter had been mentioned by Mr. Morris and Mr. Duar, or one of them to other members of congress at York, and was there freely spoken of ; but this examinant was not called before the Congress, and that this examinant had no writing, flag, or public testimonial, relative to this business from General Howe, or others in Philadelphia, except what passed by word of mouth between him and Mr. Willing, as herein before is mentioned and set forth. And this examinant further adds, that he recollects Mr. Willing told him, that General Howe assured him, (Mr. Willing) that Great-Britain would never give way to the independence of North-America ; that more men would be sent out in the spring ; and that they would harass our trade so that we could not go on.

" JOHN BROWN,

" Taken before me,

" THOMAS WHARTON, jun. President."

General Lee was so confident that a negotiation must follow, that in the letters he wrote from New-York, he requested that himself might be named as one of the commissioners----Mr. Browne was imprisoned as a spy---a line to Sir William Howe, who was then at Philadelphia, but 40 miles distant, would have procured an answer to ascertain his new character. That no such letter was sent is certainly true. If he was an impostor he deserved a heavier punishment than a jail---that he was not further proceeded against can only be accounted for from the dread of a discovery of his innocence, and of a correspondence too favourable to peace.

All these advances to a friendly negociation on the part of Great Britain were made while France gave the most positive assurances of her pacific intentions ; and while the Congress claimed no more for their constituents than a free and exclusive power of legislation in their several provincial legislatures----subject only to the negative of their sovereign.

This claim they have since screwed up into a demand of a total separation from Great-Britain, and confound in one general act of reprobation their Sovereign and their fellow citizens, their relations and their friends, the parties who differed from them and the parties who supported their original claims and espoused their cause in this contest.

They

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They have concealed from their constituents and the people of America the advances that were made by Great-Britain to bring on a friendly negotiation. Their agents have constantly made use of those advances to awaken the jealousy of France and procure the interposition of that power to prevent a re-union of Great-Britain and her colonies.

And this they did particularly upon the conciliatory measures of last winter, which they represented as likely, if France did not interpose, to terminate in a happy re-union of the British empire.

Upon this ground they obtained the treaties which are now pleaded by the Congress as a previous engagement to support their own power, and to preclude any amicable negociation with the parent state.

It is left to the people of America therefore to determine whether they are under any tie of honour or conscience to support a French treaty, that has been insidiously framed to prevent a re-union, and in the last stage of many pacific advances on the part of Great-Britain brought up merely to prolong this destructive war.

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